

REMARKS

Claims 1-21 are currently pending in the subject application and are presently under consideration. Claim 20 and 21 are allowed. Claims 1, 10, 14, 15, and 18 have been amended as shown on pp. 2-5 of the Reply. Claim 11 has been cancelled.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 1-19 Under 35 U.S.C. §103(a)

Claims 1-19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Chen *et al.* (U.S. Patent 6,542,400) in view of Oglesby *et al.* (U.S. Patent 6,656,763). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Chen *et al.* and Oglesby *et al.*, individually or in combination, do not disclose or suggest each and every element set forth in the subject claims.

Applicant's claimed invention relates to data storage devices, and more particularly to a system and method for providing ultra high-density memory using a MEMS actuator in combination with a metal sulfide based semiconductor memory media. The metal sulfide media comprises of an array of memory cells, wherein the memory cells are defined by the positioning of MEMS probes above the memory media. To this end, independent claim 1 (and similarly independent claims 10, 14, 15, and 18), in part, as amended, recites: *a metal sulfide based media overlying the backplane, comprising of an array of selectively conductive memory cells, wherein the memory cells are defined by positioning a plurality of probes over the metal sulfide based media.* In the subject Office Action, the Examiner concedes that the cited references fail to disclose or suggest defining the memory cells by positioning the probes over the memory media. Therefore, Chen *et al.* and Oglesby *et al.* fail to disclose or suggest each and every element of the claimed subject matter. Accordingly, withdrawal of this rejection is respectfully requested.

In the subject Office Action, the Examiner concedes that Chen *et al.* fails to disclose or suggest a *metal sulfide based memory cell* and offers Oglesby *et al.* to cure this deficiency. The Examiner states that the motivation to combine Chen *et al.* and Oglesby *et al.* is to replace the molecular memory of Chen *et al.* with the organic memory of Oglesby *et al.* However, there is no motivation or suggestion in the cited references to replace the molecular memory of Chen *et al.* with both the organic memory and the passive layer (copper sulfide, silver sulfide, gold

sulfide, etc.) of Oglesby *et al.* The passive layer of Oglesby *et al.* does not relate to a memory media. Therefore, one having ordinary skill in the art would not have been motivated to replace a memory media with a passive layer. The combination at best teaches an organic memory media employed in the system of Chen *et al.* The combination fails to disclose or suggest a *metal sulfide based memory media*, as recited in the claimed subject matter.

Based on at least the foregoing, Chen *et al.* and Oglesby *et al.*, individually or in combination, do not disclose or suggest each and every element of the claimed subject matter as recited in independent claims 1, 10, 14, 15, and 18 (and claims which depend there from). Therefore, this rejection should be withdrawn.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [SPSNP834US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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